IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 17457 of 1997

Between:

1. P. Vidhyadhara Raj S/o P. Sambasiva Rao
   R/o H.No.2-5-833, Circuit House Road,
   K.L.N.Reddy Colony, Subedari, Hanamkonda, Warangal District.
2 P. Vani Prasad Raj S/o P. Sambasiva Rao
   R/o H.No.2-5-833, Circuit House Road,
   K.L.N.Reddy Colony, Subedari, Hanamkonda, Warangal District.
3 P. Chandrasekhar Raj S/o P. Sambasiva Rao
   R/o H.No.2-5-833, Circuit House Road,
   K.L.N.Reddy Colony, Subedari, Hanamkonda, Warangal District.

..... PETITIONERS

AND

1 The Municipal Corporation of Warangal, Warangal Rep. by its Commissioner, Warangal.
2 The Kakatiya Urban Development Authority, Warangal Rep. by its Vice-. . . Chairman, Warangal.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction, more particulalry one in the nature of a Writ of Mandamus, declaring the action of the respondents in proposing to demolish the house bearing Municipal No.2-5-833 covering a part of the main House, Bathrooms, Kitchen and Septic Tank, without giving any prior notice, without initiating any proceedings under the Land Acquisition Act and without paying any compensation, under the guise of widening of the road, as arbitrary, illegal, and violative of Principles of Natural Justice and Article 300-A of the Constitution of India;

Counsel for the Petitioner:MR.P.KESAVA RAO

Counsel for the Respondent No.1: MR.K.VENUGOPAL REDDY

(SC FOR MUNICIPAL)

Counsel for the Respondent No.2: None appeared

The Court made the following :

ORDER:

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The present Writ Petition is filed for a Writ or Order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in proposing to demolish the house bearing Municipal No. 2-5-833 covering a part of the main House, Bath rooms, Kitchen and Septic Tank, without giving any prior notice, without initiating any proceedings under the Land Acquisition Act and without paying any compensation, under the guise of widening of the road, as arbitrary, illegal and violative of Principles of natural justice and Article 300-A of the Constitution of India and to pass suitable orders.

In the counter affidavit filed by respondent No.1 in para 7 it was stated as under;

> *"It is true that the house and compound wall was constructed in the year 1963 but the bath room, latrines are illegally constructed without valid permission. The main building which was granted permission is not affected in road widening. It is true that the respondent has not issued any notice to the petitioners but they were orally informed to remove the affected structures as per the Master Plan Road. The respondents have not initiated any Land Acquisition proceedings nor paid any compensation to the petitioners. The respondents have informed the petitioners for removal of encroachments and illegal constructions".*

In the light of the stand taken by the 1st respondent in the counter affidavit, it is clear that no notice had been given and on that ground, the present writ petition is filed praying for the relief specified supra.

In view of the averments made in the affidavit filed in support of the writ petition and also the allegation made in the counter affidavit filed by the respondent No.1, the respondents are directed to put the petitioner on notice for any proposed action and to further proceed in accordance with law if so required and till then not to disturb the present state of affairs.

With the above direction, the Writ Petition is disposed of. No order as to costs.

P.S.Narayana, J.

23rd December, 2004.

KM

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Commissioner, Municipal Corporation of Warangal
Warangal.
2 The Vice-Chairman, The Kakatiya Urban Development Authority,
Warangal.

3 2CD copies

THE HON'BLE MR JUSTICE P.S.NARAYANA

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